

## Instructions for Completing Short Version Model Nonmetallic Mining Reclamation Ordinance

SECTION	INFORMATION NEEDED
Table of Contents – Titles to secs. 23.10 and 27.30, 1, 2, 7.10, 12.10, 12.20, 13.50, 14.10, 15.10, 16.10, 16.20, 16.30, 16.40, 16.50, 22, 23.10, 24.10, 25.10, 25.20, 25.30, 27.10, 27.30, 27.50 [ <i>if this section is needed</i> ], 28.10, 28.20, 29.30, 29.40, 29.50, 30, 31, 32.10, 32.20, 32.40, 32.50	Specify name of county, town, city or village that has enacted and administers the nonmetallic mining reclamation ordinance.
3	Chose from listed choices to specify statutory authority. <b>Option</b> to add any additional authority used to promulgate the ordinance.
7.10	For counties only, <b>option</b> to list areas where a town, city or village has enacted a reclamation ordinance and therefore the county ordinance does not apply.
8, 12.20, 12.30, 23.20, 26.10, 27.10	Specify name of department, bureau or administrative office that administers the reclamation program, and <b>option</b> to specify that organization’s address, location and/or requirements for delivery (e.g. certified mail).
10	<b>Option</b> to specify other definitions in additional to terms defined by NR 135.
13.20	Specify when [must be between one and three years after application, to be decided at regulator’s <b>option</b> ] operators of existing mines granted automatic reclamation permits must provide a reclamation plan for review.
14.20	Specify when [must be between one and three years after application, to be decided at regulator’s <b>option</b> ] operators of existing mines granted automatic permits must provide proof of financial assurance.
16.30	<b>Option</b> to repeat when [must be between one and three years after application, to be decided by regulator] a reclamation plan and proof of financial assurance must be submitted by operators of existing mines that are granted automatic permits.

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18.20	<p>Set out decision-making body and procedures for evaluating reclamation requirements. Analogy to zoning variance process [variance to standards, not review of permit or final zoning decision decision]. Some choices to discuss are:</p> <ol style="list-style-type: none"><li>1. <b>Board of Appeals</b> [for municipalities] as set forth in s. 62.23(7)(e), Stats. – very detailed. Applies to villages under s. 61.35.</li><li>2. <b>Zoning Board of Adjustment</b> [for counties] as set forth in 59.694 – little detail on appeals procedure – mostly in sub. (4). Town boards of adjustment are authorized in s. 60.65, Stats. – also little details on appeals procedure.</li><li>3. <b>Marathon County Ordinance NMRC 21.10(10(b))</b> -fairly detailed.</li><li>4. <b>DNR Model Floodplain and Shoreland-Wetland Zoning Ordinance</b> [1994 edition, for cities and villages] – see sections 6.4 – Board of Appeals, and 6.65 – Variances.</li><li>5. <b>DNR Model Floodplain Zoning Ordinance</b> [1991 edition – for counties and municipalities] – see section 7.3 Board of Adjustment/Appeals.</li></ol>
21	<p>For counties only: name of county that has assumed regulatory authority over a reclamation permit previously issued by another regulatory authority.</p>
25.10	<p><b>Option</b> to specify forms needed for annual report by mine operators.</p>
25.30	<p>Specify place where regulator will retain operator’s annual reports [to streamline Department audits].</p>
26.10	<p>Specify of amount of fee for plan review [to equal as close as possible the cost of plan review], as well as specify name and <b>option</b> to specify location of administering department or bureau to which plan review fee shall be paid.</p>
26.20	<p>Specify expedited plan review fee, and <b>option</b> to specify deadline by which expedited permit review shall take place.</p>
27.10	<p><b>Option</b> to specify form to be used for payment of annual fees.</p>
27.30	<p>Specify annual fee – per acre of unreclaimed land, to equal as closely as possible the cost of plan review and reclamation program administration</p>
27.40	<p><b>Option</b> to specify reduced annual fee for inactive mines.</p>

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27.50	Where <b>option</b> is exercised to set fees higher than those in NR 135.39(4)(fees where Department issues reclamation permits), specify location at which documentation of the basis for such fees is located and may be inspected by the public.
29.10	<b>Option</b> to specify forms for reporting completed reclamation, and location where such forms shall be filed.
29.40	<b>Option</b> to reduce or waive financial assurance requirements on mines where interim reclamation has been certified as complete.
32.40	<b>Option</b> to specify section of county, town, city or village ordinance that authorizes issuing citations for violating the reclamation ordinance.
33.00	<b>Option</b> to specify section of county, town, city or village ordinance setting penalties for violation of reclamation ordinance.